

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-11 were pending prior to the Office Action. No claims have been added through this reply. Claim 11 has been canceled without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-10 are pending. Claims 1 and 7 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

#### **Allowable Subject Matter**

Applicant appreciates that claim 11 is indicated to define allowable subject matter. Accordingly, Applicant has amended independent claim 1 with the features of indicated allowable claim 11. Thus, claim 1 (including dependent claims 2-6 and 8-9) is clearly allowable.

### **OFFICIAL ACTION**

#### **Claim Rejection - 35 U.S.C. § 103(a)**

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harada Koichi (JP 9205589) in view of Yamashita et al. (U.S. Patent 6,750,437). Applicant respectfully traverses this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

**Argument) Features of claim 7 not taught:**

Independent claim 7 has been amended to include additional limitations. Claim 7 as amended recites, *inter alia*, “said first photosensitive cell and said second photosensitive cell of each of said plurality of photo-sensors being positioned closer to a center and an edge of the imaging frame, respectively, wherein at least three photo-sensors are arranged concentrically around the center where the first photosensitive cell and the second photosensitive cell of each of the at least three photo-sensors being positioned closer to the center and the edge of the imaging frame, respectively, and concentrically around the center.” *Emphasis added.*

In claim 7, the Examiner cited Koichi for the alleged teaching of “said first photosensitive cell and said second photosensitive cell of each of said plurality of photo-sensors being positioned closer to a center and an edge of the imaging frame, respectively” in the Office Action dated July 11, 2008.

For one example, Applicants refer to Figure 9 of the present application to show embodiments of the invention illustrating the amended limitation. The photo-sensors (elements 82, 84, 86, 88) surround the center (element 90), where the first photosensitive cells are all located closer to the center of the imaging frame and the second photosensitive cells are all located closer to the edge of the imaging frame.

Koichi, in Figures 1 and 16, merely discloses a two-dimensional arrangement of two or more light sensing portions. Contrary to the claimed invention, Koichi does not disclose at least three photo-sensors are arranged concentrically around the center where the first photosensitive cell and the second photosensitive cell of each of the at least three photo-sensors being positioned closer to the center and the edge of the imaging frame, respectively, and concentrically around the center. Further, Yamashita and Ochi do not make up for the discrepancies of Koichi.

Claim 7 is submitted to be allowable over the cited prior art for at least this reason.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 103(a). Reconsideration and allowance of claim 7 is respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Koichi, Yamashita, and Ochi, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-10 are distinguishable over the cited references.

In view of the above amendments, it is believed that the pending application is in condition for allowance.

Applicants respectfully request that the the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: October 8, 2008

Respectfully submitted,

By 

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